

*Image*

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Cyrus R. Safinya et al.      **Examiner:** Not yet known  
**Serial No.:** 10/015,078      **Group Art Unit:** Not yet known  
**Filed:** October 26, 2001      **Docket No.:** 30794.32USD1  
**Title:** MACROMOLECULE-LIPID COMPLEXES AND METHODS FOR MAKING  
AND USING

**CERTIFICATE UNDER 37 CFR §1.8:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 13, 2004.

*Renato Marco P. Domitro*

By: Renato Marco P. Domitro

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R.  
§ 1.97(b)(3))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This Information Disclosure Statement is being filed herein as a supplement to Applicant's March 19, 2002, Information Disclosure Statements which were submitted under 37 C.F.R. §§1.97(b)(3). In accordance with 37 C.F.R. §1.98(d), copies of Exhibits 39-44s set forth in the Form 1449 are included herein.

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. They are as follows:

- U.S. Patent No. 5,459,127 issued October 17, 1995 – **Exhibit 39**
- U.S. Patent No. 5,869,037 issued February 9, 1999 – **Exhibit 40**
- U.S. Patent No. 5,928,944 issued July 27, 1999 – **Exhibit 41**
- International Publication No. WO95/18863 published July 13, 1995 – **Exhibit 42**

- Liu, Feng et al., "New Cationic Lipid Formulations for Gene Transfer," *Pharmaceutical Research*, 1996, 13:1856-60 – **Exhibit 43**
- Sternberg, Brigitte, "Morphology of Cationic Liposome/DNA Complexes in Relation to Their Chemical Composition," *Journal of Liposome Research*, 1996, 6:515-33 – **Exhibit 44**

This statement should be considered because it is submitted before the mailing date of the first Office Action on the merits according to 37 C.F.R. §1.97(b)(3). In accordance with 37 C.F.R. §1.98(a)(2), copies of each document or other information listed on the enclosed Form 1449 are provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that the references have been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. § 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

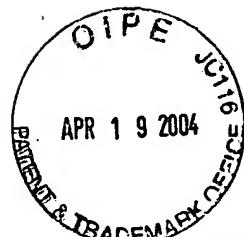
Cyrus R. Safinya et al.  
Serial No. 10/015,078  
Filed: October 26, 2001  
Page 3

No fee is deemed necessary in connection with the filing of this Information Disclosure Statement. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee, or credit any overpayment, to Deposit Account No. 50-0306.

Respectfully submitted,

Sarah B. Adriano

Sarah B. Adriano  
Registration No. 34,470  
SaraLynn Mandel  
Registration No. 31,853  
Attorneys for Applicants  
Mandel & Adriano  
55 S. Lake Avenue, Suite 710  
Pasadena, California 91101  
(626) 395-7801  
Customer No. 26,941



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**Filed:** October 26, 2001  
**Docket:** 30794.32USD1  
**Title:** MACROMOLECULE-LIPID COMPLEXES AND METHODS FOR MAKING AND USING

**CERTIFICATE UNDER 37 CFR 1.8:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 13, 2004.

By: *Renato Marco P. Domingo*  
Name: Renato Marco P. Domingo

55 S. Lake Avenue, Suite 710

Pasadena, California 91101

April 13, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- Transmittal sheet, in duplicate, containing Certificate under 37 CFR §1.8
- Supplemental Information Disclosure Statement (37 C.F.R. §1.97 (b)(3))
- Form 1449 (Information Disclosure Statement)
- Exhibits 39-44
- Return postcard

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0306. A duplicate of this sheet is enclosed.

**M A N D E L & A D R I A N O**  
55 South Lake Avenue, Suite 710  
Pasadena, California 91101  
(626)395-7801

By: *Sarah B. Adriano*  
Name: Sarah B. Adriano  
Reg. No.: 34,470  
Initials: SBA



<p>FORM 1449</p> <p>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</p> <p>(Use several sheets if necessary)</p>	Docket Number	Application Number
	30794.32USD1	10/015,078
	Applicants	
	Cyrus R. Safinya et al.	
Filing Date	Group Art Unit	
October 26, 2001	Not yet known	

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,459,127 (Exhibit 39)	10/17/95	Felgner et al.			09/16/93
	5,869,037 (Exhibit 40)	02/09/99	Crystal et al.			06/26/96
	5,928,944 (Exhibit 41)	07/27/99	Seth et al.			02/04/94

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO95/18863 (Exhibit 42)	07/13/95	PCT				X

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.